

East Hampton Planning and Zoning Commission
Regular Meeting
November 5, 2008
Town Hall Meeting Room

Unapproved Minutes

- 1. Call to Order and Seating of Alternates:** Chairman Philhower called the meeting to order at 7:00 p.m.

Present: Chairman Mark Philhower, Vice-Chairman Ray Zatorski (7:05 p.m.), Members Peter Aarrestad, Roy Gauthier, Darin Hurne, Rowland Rux, James Sennett, Alternate Member Michael Brogan, and Richard Gosselin, were present. Planning, Zoning, and Building Administrator, James Carey, was also present.

Absent: No members were absent.

Messrs. Brogan and Gosselin were seated at this time.

Chairman Philhower reported that Kevin Reed has resigned from the PZC because he was appointed to the Zoning Board of Appeals (ZBA) and believed that he shouldn't serve on two boards at the same time. The Chairman directed Mr. Carey to send a letter to Mr. Reed thanking him for his service to the Town and the PZC.

- 2. Approval of Minutes:**

A. October 1, 2008 Regular Meeting: *Mr. Aarrestad moved to approve the minutes of the October 1, 2008 regular meeting as written. Mr. Rux seconded the motion. The motion carried unanimously.*

B. October 1, 2008 Special Meeting: *Mr. Aarrestad moved to approve the minutes of the October 1, 2008 special meeting as written. Mr. Sennett seconded the motion. The motion carried unanimously.*

- 3. Communications, Liaison Reports, and Public Comments:**

Communications: Mr. Carey reported that the Town Council is looking forward to a special presentation by Chairman Philhower at the November 12, 2008 Town Council meeting regarding the duties, responsibilities and current activities of the PZC.

Chairman Philhower added that this is a part of an initiative by the Town Council to meet with the Chairmen of all the Town boards to have an improved understanding of the functions of the different parts of the Town government and their individual initiatives at present.

Mr. Carey reported that he is in receipt of a brochure from the Connecticut Conference of Municipalities (CCM) advertising new guides available to municipalities regarding agriculture.

Mr. Carey reported that the last of CLEAR's 2008 "Certificate" (basic training) for land use commissioners is being held on Saturday, November 15th. Please let the Planning Office know if you are interested in attending.

Chairman Philhower requested that staff look into a workshop given by the CCM for Chairmen and Vice Chairman of municipalities regarding Robert's Rules and meeting procedures.

Liaison Report: Mr. Sennett reported on the ZBA meetings held on October 20 and November 3, 2008. The minutes of these meeting are available in the Town Clerk's Office for review.

Mr. Aarrestad reported on the meeting of the Water Development Task Force on October 24, 2008. There will be another meeting of the Water Development Task Force this Friday at 7 a.m. The minutes of this meeting are available in the Town Clerk's Office for review.

Mr. Zatorski reported that he would discuss the IWWA issues that are pertinent as they arise during the meeting. He also requested that the Commission consider having a workshop regarding policy and procedures for seawall repair and subsequent needs for erosion control as these repairs are occurring frequently.

Mr. Gauthier reported the regular meeting of the EDC was cancelled in October and he was unable to attend the special meeting. The minutes of this meeting are available in the Town Clerk's Office for review.

Mr. Brogan reported that he was unable to attend the last meeting of the Conservation Commission. However, there minutes are on file in the Town Clerk's Office for review.

Public Comments: The Chairman opened the meeting to the public for comments at this time.

Hearing none the Chairman proceeded with the Agenda.

4. **Set Public Hearing for December 3, 2008:** None.

5. **Old Business:**

A. **Possible Executive Session:** Pending Litigation – Belltown Place: The Chairman requested a motion to hold an executive session at this time.

Mr. Zatorski moved to hold an executive session regarding pending litigation, Belltown Place, at this time. Mr. Rux seconded the motion. The motion carried unanimously.

The executive session began at 7:15 p.m.

The executive session closed and the regular meeting reconvened at 7:44 p.m.

B. **Skyline Estates, Phase 1, Road Re-Alignment:** Chairman Philhower and Mr. Rux recused themselves from the meeting at this time. Vice Chairman Zatorski took over the meeting.

Wayne Rand, Manager of Skyline Estates, LLC., indicated that he brought this item to the attention of the Commission because of concerns that Tom Cummings, Town Engineer, had regarding the grade. He explained that Dave Erlundson, his project engineer has revised the plan for this section of the road and would like Town Staff to consider it as a field change.

Dave Erlundson, Profession Engineer, State of Connecticut, explained that he was here to request the Commission to ask Tom Cummings to further investigate the proposed road changes. Mr. Erlundson explained that the cuts proposed in the original plan would be 18' to 20' deep and would require a 30,000 cubic foot blast. Mr. Erlundson believes the original engineer misinterpreted the Town's regulation regarding slope and required much more excavation than should be necessary. He believes that he can re-design the road in a way that will avoid the need to blast such a large area. He proceeded to explain his changes.

Vice-Chairman Zatorski instructed Mr. Rand and Mr. Erlundson to submit this proposal to the Commission as a Subdivision Modification.

C. Bond Reductions:

- Skyline Estates Phase 1-B Reduce Road Bond from \$500,000 to \$120,000: Mr. Carey reported that he has reviewed the project, as has Tom Cummings, and it is recommended by Town Staff that this Road Bond be reduced to \$120,000.

Mr. Sennett moved to reduce the Road Bond for Skyline Estates Phase 1-B from \$500,000 to \$120,000. Mr. Gosselin seconded the motion. The motion carried unanimously.

- Hardin Estates Reduce E&S Bond from \$10,000 to \$0: Mr. Carey reported that the E&S Bond is no longer necessary as the road is being recommended for approval under Agenda Item No. 5 D. Town Staff has inspected the project and is in receipt of a report from Tom Cummings regarding the recommendation for the road's acceptance by the town.

Mr. Gauthier moved to reduce the E&S Bond for Hardin Estates from \$10,000 to \$0. Mr. Brogan seconded the motion. The motion carried unanimously.

Chairman Philhower and Mr. Rux returned to the meeting at this time. The Chairman unseated Messrs. Brogan and Hurne at this time.

D. Review Status of Road Acceptance and Bond Reductions:

- Seven Hills, Phase III;
- Forest Hills Estates; and
- Hardin Estates

Mr. Carey reported that he is in receipt of a report from Tom Cummings indicating that it would be appropriate at this time to recommend to the Town Council that the roads in these subdivisions be accepted. The Road Bonds on these developments would be released and a 10% maintenance bond would be retained on each subdivision.

Mr. Zatorski moved that road acceptance be recommended to the East Hampton Town Council and approve reduction of the bonds to 10% of the original amounts for Seven Hills – Phase III, forest Hills Estates, and Hardin Estates. Mr. Rux seconded the motion. The motion carried (6-0-1). (Yes votes: Aarrestad, Gauthier, Gosselin, Rux, Sennett, and Zatorski. No votes: None. Abstentions: Philhower).

6. **Read Legal Notice for Public Hearing:** Mr. Carey read the legal notice into the record.

7. **Public Hearings for October 1, 2008:**

A. **Revision 1 – POCD:** Mr. Carey reported that the public hearing was to allow citizen commentary on Revision 1 of the POCD. He read a letter from Midstate Regional Planning Agency regarding its view that the proposed amendments to the Plan of Conservation and Development do not negatively impact the Region and recommending its adoption. Mr. Carey recommended the adoption of these proposed amendments as well.

The Chairman opened the Public Hearing at this time. There being no one present to speak to this proposal, the Chairman requested a motion to close the Public Hearing.

Mr. Zatorski moved to close the Public Hearing at this time. Mr. Rux seconded the motion. The motion carried unanimously.

Mr. Zatorski moved to adopt Revision 1 of the POCD with the effective date of January 2, 2009. Mr. Rux seconded the motion. The motion carried unanimously.

B. **Application of Skyline Estates, LLC., Phase III, Highland Terrace, 2-Lot Resubdivision and Road Length Waiver – M 18/B 44/L 23G-1:**

Chairman Philhower and Mr. Rux recused themselves from the meeting at this time. Vice Chairman Zatorski seated Messrs. Brogan and Hurne at this time.

Wayne Rand, Manager of Skyline Estates, LLC., was present to discuss the Resubdivision and waiver requested. He explained that his original proposal was to have these lots designed as he is requesting now. Then he had an option to purchase a 40-acre parcel north of this area and the two lots in question were eliminated and a road accessing the 40-acre parcel was put in place. Mr. Rand has since dropped his option to purchase that parcel and no longer wants to install a road to the area. This request is to return to the original 2-lots on this piece. In order to do this and remain in compliance with the Town's regulations he will either need to readjust the lot lines on Highland Terrace or request an increase to the maximum number of lots allowed on a cul-de-sac from 20 to 21.

Mr. Rand presented a map to the Commission clarifying that the 40 acres would not be landlocked. He also stated that there are no wetlands on the property. Mr. Rand clarified that the waiver being requested is to the maximum number of lots allowed on a cul-de-sac. It is not a road length waiver.

Mr. Carey read a letter from the IWWA indicating they have approved this application as there are no wetlands present.

Mr. Rand explained that the conservation area associated would be expanded to include the northern border of this parcel.

Vice Chairman Zatorski opened the Public Hearing at this time. There being no one present to speak to this application, Vice Chairman Zatorski asked the Commissioners for their concerns. Mr. Sennett explained his concern with not

requiring the applicant to comply with the regulation. Mr. Gauthier discussed his concern that by requiring the applicant to readjust the lot lines on the cul-de-sac by a few feet the waiver would be unnecessary; however, the subdivision would need to be modified. He also believes that the 25' conservation area easement should be increased to include these lots. Mr. Zatorski believes it is impractical to require all the lots on the street to be reconfigured when the same thing could be accomplished by granting one waiver. Mr. Sennett agreed to this as well. The Commission discussed the intent of the regulation with Mr. Carey and Mr. Rand.

Mr. Gauthier moved to close the Public Hearing at this time. Mr. Gosselin seconded the motion. The motion carried unanimously.

Mr. Hurne moved to grant the waiver to increase the maximum number of lots allowed on this cul-de-sac from 20 to 21. The 25' conservation easement is to be expanded to run from Lot 1 to lot 32. Mr. Sennett seconded the motion. The motion carried unanimously.

Mr. Gauthier moved to approve Application of Skyline Estates, LLC., Phase III, Highland Terrace, 2-Lot Resubdivision, M 18/B 44/L 23G-1. Mr. Sennett seconded the motion. The motion carried unanimously.

Chairman Philhower and Mr. Rux returned to the meeting. Chairman Philhower unseated Messrs. Brogan and Hurne at this time.

8. New Business:

A. Workforce Housing Grant Opportunity: Chairman Philhower explained that he has met with the Town Manager, Jim Carey, and Sue Weintraub. All of whom are very interested in this grant. The Chairman explained that he is concerned the PZC will be forced into writing or accepting any housing opportunity zones brought before it. Mr. Carey has researched and identified a grant of interest. The grant is for a study only and at no point in time will the PZC be required to change any zoning regulations.

Mr. Carey explained that he has provided a report to the Town Council and copied to the members of the Commission. The State has made available \$5,000,000 to municipalities for planning grants with a maximum of \$50,000 per municipality. They are relatively easy to apply for and require a resolution by the legislative body of the community to authorize the Town Manager to apply for the grant. It further requires that the PZC agree to consider the creation of one or more housing incentive zones. *Attachment 1*

The Commission discussed the grant opportunity with Mr. Carey. He explained that this will provide some incentive both to the developer and to the community in the form of monetary payments to the municipality. He believes emphasis would need to be focused on areas where the Town has existing infrastructure including sewer and water. Keeping in view that the Town does not want to drive the infrastructure to areas where we do not want it to be for other purposes. There is effectively no down side to this and the Town will receive \$50,000 for planning. Mr. Carey asked that the Commission to respond favorably and resolve

to consider the creation of one or more housing incentive zones. The Commission discussed the benefits of this program.

Mr. Zatorski moved that the East Hampton Planning and Zoning Commission resolve to consider the creation of one or more housing incentive zones as developed through the Workforce Housing Grant which the Town Council and Town Manager are encouraged to pursue. Mr. Aarrestad seconded the motion. The motion carried unanimously

9. **Adjournment:** *Mr. Zatorski moved to adjourn the meeting. Mr. Rux seconded the motion. The motion carried unanimously.*

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary